

Executive

Statement of Decisions

Set out below is a summary of the decisions taken at the meeting of the Executive held on Tuesday 9 February 2016. Decisions made by the Executive will be subject to call-in. Recommendations made to the Council are not subject to call-in. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Sarah Selway, Democratic Services (Committees) Manager on 01392 265275 or email sarah.selway@exeter.gov.uk

Devolution for the Heart of the South West

Agreed	<p>That:-</p> <ol style="list-style-type: none"> (1) the progress with securing devolution for the Heart of the South West be noted; (2) implications of not participating in devolution negotiations be noted; (3) the Council's continued participation in devolution discussions and the preparation of a draft devolution deal be endorsed, subject to: <ol style="list-style-type: none"> a) Exeter and the wider growth area being recognised as a fundamental contributor to improving productivity and this being given due prominence in any proposed devolution deal; b) Appropriate, place-based decision making arrangements that reflect sub-regional geographies (i.e. the Greater Exeter area), with powers and flexibilities to agree and oversee the programmes addressing productivity and economic development, including investment in skills and business development; c) Exeter being represented directly in negotiations with Government about a devolution deal; (4) regular updates on devolution negotiations with the Government be received; (5) the longer-term implications of relevant legislation, particularly in relation to devolution and governance, be noted; and (6) the Chief Executive & Growth Director be authorised, in consultation with the Leader of the Council, to put in place appropriate management arrangements to ensure the council participates effectively in the various work streams that will prepare the detail of a devolution deal.
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Reason for Decision:	As set out in the report.
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Community Infrastructure Levy Funding for Sandy Park A379 Junction

Agreed	<p>That it is recommended that Council makes £1.025 million in Community Infrastructure Levy (CIL) funding available for investment in a newly configured junction on the A379 at Sandy Park on the following basis:-</p> <ol style="list-style-type: none"> (1) No funds to be made available until adequate CIL has been collected or the end/long-stop repayment date in the legal agreement with Devon County Council has been reached, and funding for city centre major infrastructure investments has been secured in line with the resolution of Executive on 10th February 2015; (2) Interest that becomes payable in the event that the City Council does not pay the £1.025 million before the end long-stop repayment date in the legal agreement with Devon County Council has been reached, to be payable from the City Council's General Fund; (3) City Council CIL funding for the newly configured junction to be conditional upon 'claw-back' provisions whereby the City Council would be an equal-proportion recipient of any project cost savings; (4) City Council CIL funding for the newly configured junction to also be conditional upon the outcome of an as yet undetermined bid for funds from Highways England's new 'Housing and Growth Fund', with 'claw-back' provisions whereby the City Council would be an equal-proportion recipient of any potential reduction in the overall project costs in the event that the bid is successful; and, (5) Authority to be delegated to the Assistant Director City Development to finalise a legal agreement with Devon County Council that accords with these recommendations, (based upon the model provided by the agreement developed in relation to funding Marsh Barton Railway Station subsequent to approval by Executive on 11th August 2015).
Reason for Decision:	As set out in the report.

Exeter City Future Community Interest Company

Agreed	That it is recommended that Council approve:- (1) Exeter City Council become a member of the Community Interest Company; (2) a sum of £50,000 be allocated as a working budget to facilitate the start-up and promotion of the Exeter City Futures Programme; and (3) membership of the Community Interest Company be taken up and for delegated authority to be given to the Chief Executive & Growth Director to identify two Board Directors.
Reason for Decision:	As set out in the report.

Treasury Management Strategy Report 2016/17

Agreed	That it is recommended that Council adopts the new Treasury Management Strategy and delegations contained therein.
Reason for Decision:	As set out in the report.

The Prudential Code for Capital Finance in Local Authorities (Incorporating the Annual Statement of Minimum Revenue Provision)

Agreed	That it is recommended to Council to adopt the:- (1) Prudential Indicators set out in Appendix A-C of the report as presented; and (2) Annual Statement of Minimum Revenue Provision for the Council.
Reason for Decision:	As set out in the report.

Annual Pay Policy Statement

Agreed	That it is recommended to Council that the:- (1) Pay Policy Statement and Appendix be adopted and published in accordance with the legislation; and (2) Head of Human Resources - currently HR Transactional Services Manager, be given delegated authority to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.
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Reason for Decision:	Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a statutory Pay Policy Statement each financial year commencing in 2012/13. The Secretary of State for Communities and Local Government issued further guidance in early 2013.
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General Fund/Housing Revenue Account Estimates and Capital Programme 2016/17

Agreed	That it is recommended to Council that:- (1) the overall spending proposals in respect of both its revenue and capital budget be approved; (2) to approve the council tax for each Band as set out in section 8.19.3 of the report as presented, subject to Devon County Council, Office of Police and Crime Commissioners Devon and Cornwall and the Devon and Somerset Fire Authority confirming their Band D levels respectively; (3) that when the actual council tax amounts for Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority are set, then the revised council tax levels be submitted to Council on 23 February 2016 for approval; (4) that the Statement given by the chief finance officer as required under Section 25 of the Local Government Act 2003 be noted; and (5) that the new distribution methodology for the New Homes Bonus set out in paragraph 8.7.2 of the report be approved.
Reason for Decision:	To ensure that the Council is in a position to set a budget and determine the Council Tax for the City of Exeter in line with the statutory timeframe.

Adoption of Powers to Make Harbour Directions

Agreed	That it is recommended that Council:- (1) agree to an application being made to the Department for Transport for Exeter City Council as harbour authority to be designated with power to issue harbour directions in accordance with the provisions of the Harbours Act 1964; and (2) in the event that the application for designation is successful, the Service Manager (Business & Commercial Operations) is authorised to make Harbour Directions on behalf of the Harbour Authority within the Port of Exeter.
Reason for Decision:	To enable the better management of the Port of Exeter and to assist in the Council's compliance with the Port Marine Safety Code.

Review of the Constitution

Agreed	That it is recommended that Council approves the:- (1) proposed changes to the Scrutiny Committees and Call-In procedures; (2) proposed changes to the Scheme of Delegation to Officers and deputies; (3) revision of the Committee schedule: and (4) amended version of the Council's Constitution.
Reason for Decision:	To ensure that the Constitution:- <ul style="list-style-type: none">• Is brought up to date• Remains a robust document which is fit for purpose• Continues to match the operational arrangements of the Council.

Freedom of the City

Agreed	That it is recommended to Council that:- (1) the title of Honorary Freeman of the City Status be conferred on Mr Richard Atkins; and (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held on the rising of the ordinary meeting on 23 February 2016, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.
Reason for Decision:	As set out in the report.

South East Devon Joint Mitigation Executive Committee

Agreed	That it is recommend that Council:- (1) agrees to the establishment of a Joint Habitats Mitigation Executive Committee (HMEC) with East Devon District Council and Teignbridge District Council for the purpose of delivering habitat mitigation measures and which shall be governed in accordance with the Terms of Reference and Rules of Procedure attached in Appendix 1; (2) agrees that all necessary powers (save for decisions relating to the compulsory purchase of land) are delegated to the HMEC to enable delivery of mitigation measures in accordance with the Conservation of Habitats and Species Regulations 2010;
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	<p>(3) agrees that each authority operates its own scrutiny arrangements in order to scrutinise decisions of the HMEC. In Exeter, the Scrutiny Economy Committee (or appropriate successor body) will scrutinise decisions of the HMEC;</p> <p>(4) appoints the Portfolio Holder - City Development as Exeter City Council's nominated member of the HMEC;</p> <p>(5) delegates authority to the Corporate Manager - Legal Services, in consultation with Portfolio Holder for City Development, to make any further amendments to the Terms of Reference and Rules of Procedure for the HMEC, as necessary, to ensure effective working of the HMEC provided that the Solicitor to the Council of Teignbridge District Council and the Strategic Lead - Legal, Licensing and Democratic Services of East Devon District Council are in agreement with the proposed amendments;</p> <p>(6) delegates authority to Exeter City Council's Section 151 Officer to agree how and when and to whom payment of Exeter's share of the contribution to carry out the HMEC's resolutions is made;</p> <p>(7) agrees that East Devon District Council will be responsible for administering the finances to support the implementation of the decisions of the HMEC (or to any officer taking delegated decisions on its behalf);</p> <p>(8) delegates authority to Exeter City Council's Section 151 Officer to make arrangements for the Council to transfer funds obtained for mitigation measures from CIL and Section 106 Agreements for expenditure approved by the HMEC; and</p> <p>(9) agrees that the administration of the HMEC shall rotate with the Chair and that East Devon District Council will Chair the HMEC during the first year. After the first year the Chairmanship will move to Exeter City Council and then Teignbridge District Council, returning to East Devon in the fourth year.</p>
Reason for Decision:	As set out in the report.

Riverside and Ludwell Valley Parks Masterplan

Agreed	<p>That the:-</p> <p>(1) draft Master Plan be approved; and</p> <p>(2) prioritisation and indicative budget for the purposes of allocating money collected via CIL for Habitats Regulations mitigation (as set out at Appendix A of the circulated report) be approved; and</p>
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	(3) the Executive Member with relevant Portfolio in association with the Assistant Director City Development be given delegated authority to make any minor amendments to appendix A.
Reason for Decision:	As set out in the report.

Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

Agreed	That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.
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ECC Energy Services Company and District Heating Procurement

Agreed	<p>That it is recommended to Council that delegated power is given to the Chief Executive & Growth Director for the following:-</p> <ol style="list-style-type: none"> (1) Exeter City Council to become a shareholder of the public sector ESCo when it is formed in Spring 2016; (2) the appointment of Directors to the Public Sector ESCo Board; (3) Exeter City Council, subject to successful procurement, approves the long term purchase of competitively priced low carbon heat from the network for the Civic Centre and Exeter Active; (4) Exeter City Council, subject to successful procurement, commits to invest £147,000 in the city centre and SW Exeter Joint Venture companies; and (5) to explore the opportunities of working with a Strategic Partner, if appropriate, to include as a project the proposals contained in the report.
Reason for Decision:	As set out in the report.

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 23 February 2016.